## Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
10/580,997	MADAR ET AL.	
Examiner	Art Unit	
MICHAEL R. VAUGHAN	2431	

-The MALING DATE of this communication appears on the cover sheet with the correspondence address - THE REPLY FILED 03 August 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.  1. ★ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which please the application in condition for allowance; (2) a Notice of Appeal (with appeal etc) in compliance with 37 CFF 4.1; or (3) a Request for Continued Examination (RCC) in compliance with 37 CFF 4.1; and the final rejection.  by The period for reply expires on: (1) the mailing date of this Advisory Acidon, or (2) the date set forth in the final rejection, no event, however, will the statisticy posted for reply expired the final rejection on event, however, will the statisticy posted for reply expired the final rejection.  NONTHS OF THE FINAL REJECTION, See-MIPE? 108 (7). CNLTY CHECK DRX (NONTHS from the mailing date of the final rejection on the final rejection of the final rejec			I WHOT IT LEE THE VICTOR IT HAVE					
1. ☑ The reply was filled after a final rejection, but prior to or on the same day as filling a Notice of Appeal. To avoid abandomment of this application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filled within one of the following time periods:  a		The MAILING DATE of this communication appe	ears on the cover sheet with the d	correspondence addi	ress			
application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 317 GR 1,317 or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:  a) The period for reply expiresmonths from the mailing date of this Advisory Action, or (2) the date set forth in the final rejection. Whichever is later. In no event, however, will the statutory period for reply expire a later than SIX MONTHS from the mailing date of the final rejection.  Examiner Note: [Ibo x.1 is checked, check either box (a) or (b), ONLY CHECK BDX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 708.07(l).  Extensions of time may be obtained under 37 CFR 1.138(a). The date on which the petition under 37 CFR 1.138(a) and the papropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining a purpose of the filed within two months of the date of filing the Notice of Appeal was filed on	THE REPLY FILED <u>03 August 2011</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.							
b)	1. 🛚	application, applicant must timely file one of the following application in condition for allowance; (2) a Notice of Appelor Continued Examination (RCE) in compliance with 37 C	replies: (1) an amendment, affidavi eal (with appeal fee) in compliance	t, or other evidence, w with 37 CFR 41.31; or	hich places the (3) a Request			
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Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above; if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patient term adjustment. See 37 CFR 1.704(b).  NOTICE OF APPEAL.  2.	b)	no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO						
filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).  AMENDMENTS  3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below); (b) They raise the issue of new matter (see NOTE below); (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) They present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: (See 37 CFR 1.116 and 41.33(a)).  4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  5. Applicant's reply has overcome the following rejection(s): (see 37 CFR 1.21).  6. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed: Claim(s) objected to: Claim(s) withdrawn from consideration: Claim(s) objected to: Claim(s) withdrawn from consideration: Claim(s) withdrawn from consideration: Claim(s) withdrawn from consideration: Claim(s) withdrawn from consideration: Claim(s) withdrawn fro	Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fe have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2 set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely fi may reduce any earned patent term adjustment. See 37 CFR 1.704(b).							
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Primary Examiner, Art Unit 2431			/Christopher A. Revak/ Primary Examiner, Art U	nit 2431				